

14.30.12 Procedures Governing Employee Information

Authority: State Personnel and Pensions Article,
§§ 3-2A-08
Annotated Code of Maryland

.01 Employer Notification of Disclosure of Information and Employee Opt-out Provisions

A. Employer Notification to Employees

(1) Thirty days before providing an employee's name, addresses, telephone numbers, and work information to an exclusive representative, as provided in State Personnel and Pension Article ("SPP") § 3-2A-08, the employing institution shall notify the employee of the provisions SPP § 3-2A-08, and include in its notice the means by which an employee may opt out as provided in Section B(2) below.

(2) The employing institution shall provide notice to the employees by signed and dated letter.

(3) The exclusive representative requesting such information shall bear the mailing costs for the notification to employees. Additionally, the employing institution may charge the exclusive representative requesting the employee information a fee not to exceed the actual cost of compiling the information. **[For purposes of calculating the actual cost, the employing institution will use the following hourly rates of compensation for the search and preparation of the requested information when the information is not readily available:**

(a) For administrative tasks, an hourly rate of compensation not to exceed Twenty Dollars (\$20.00) in FY 2010, as may be increased from time to time consistent with future cost of living adjustments for state employees provided for in the State budget.

(b) For programming (to extract requested data), and other professional level work, as required, an hourly rate of compensation not to exceed Thirty Dollars (\$30.00) in FY 2010, as may be increased from time to time consistent with future cost of living adjustments for state employees provided for in the State budget.

(c) The Employing institution may not charge any search or preparation fee for the first two (2) hours of official or employee time that is needed to provide the requested information.

(4) The Employing institution may charge a fee not to exceed Fifteen Cents (\$0.15) per page for providing photocopies of the requested information

(5) The exclusive representative may request such information in digital or electronic format. If the requested information is available in digital or electronic format, the employing institution shall comply with the request at no additional charge beyond the costs incurred by the employing institution in compiling the information as provided in Sections (3)(a) –(c) of this Regulation.

B. Employee Opt-Out Provisions

(1) The provisions of Subpart B(2) through(6) of this regulation do not apply to the distribution of ratification ballots by the exclusive representative and shall not preclude the exclusive representative from mailing ballots for a Memorandum of Understanding ratification vote to bargaining unit employees' home addresses through a third-party mailer.

(2) For the purpose of calculating an employee's response time to the employing institution's notice under paragraph (3), below, it shall be presumed that the notice was received by the employee ten (10) calendar days after the postmarked or metered date appearing on the envelope.

(3) The employee may, within fifteen (15) days of the employing institution's notice under Section A of this Chapter, notify the employing institution that the employee does not want the employee's name, addresses, telephone numbers, or work information to be provided to an exclusive representative, pursuant to Paragraph (4), below.

(4) The employee may give the notice provided in Paragraph (3) by regular mail, facsimile, or in person, to the address specified in the notice, using the form described in Paragraph (5), below, for each method of notice.

(5) Employees shall use the form provided by the employing institution to give the notice provided in Paragraph (3). The form shall instruct the employee to provide the following information:

- (a) the employee's name and home address;
- (b) the employee's job title and worksite;
- (c) A statement that the employee does not want the employee's information as described in Paragraph 3, released to an exclusive representative;
- (d) the date of the employee's response; and
- (e) the employee's signature.

(6) An opt out under this section applies only to those information requests made under SPP § 3-2A-08.